

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION,

Plaintiff,

and

MAX-PLANCK-GESELLSCHAFT zur
FORDERUNG der WISSENSCHAFTEN E.V.,

Case No. 10-cv-281-bbc

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC., and
APPLIED BIOSYSTEMS, LLC,

Defendants.

**DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF
NONINFRINGEMENT OF THE PROMEGA PATENTS
AND ALTERNATIVELY INVALIDITY**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Life Technologies Corporation, Invitrogen IP Holdings, Inc., and Applied Biosystems, LLC move for partial summary adjudication that the asserted claims of U.S. Patent Nos. 5,843,660 ("the '660 patent"); 6,221,598 ("the '598 patent"); 6,479,235 ("the '235 patent"); and 7,008,771 ("the '771 patent") (collectively, "the Promega patents") are not infringed, or in the alternative, that the Promega patents are invalid under 35 U.S.C. § 112 for lack of enablement or 35 U.S.C. § 103 for obviousness.

For the reasons set forth in the Memorandum in support of this Motion, Defendants respectfully request that summary judgment be granted in their favor. This Motion is supported by the Memorandum in Support of Defendants' Motion for Partial Summary Judgment of Noninfringement of the Promega Patents and Alternatively Invalidity, the corresponding Proposed Findings of Fact, the exhibits and other documents cited therein, and the Declaration of Amy Sun filed herewith.

DATED: September 2, 2011.

By: /s/ Amy Sun

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